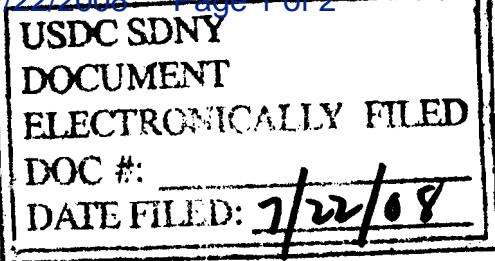


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DAWNE LULEFF, on behalf of herself  
and all others similarly situated,

06 Civ. 1435 (JGK)

Plaintiff,

ORDER

- against -

BANK OF AMERICA, N.A., et al.,

Defendants.

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DOUGLAS WAYNE MARTINEZ,

Plaintiff,

08 Civ. 4964 (JGK)

- against -

ORDER

BANK OF AMERICA, N.A. and BANK OF  
AMERICA CORPORATION,

Defendants.

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JOHN G. KOELTL, District Judge:

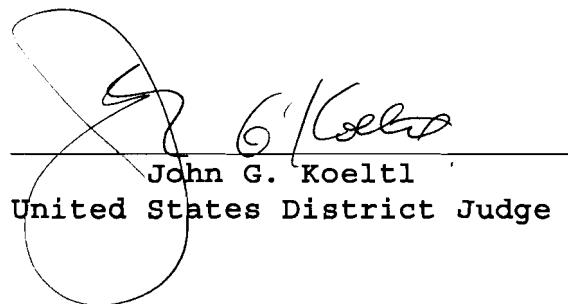
The plaintiff has filed a motion pursuant to Rule 42(a) of the Federal Rules of Civil Procedure seeking consolidation of this action with Luleff v. Bank of America, N.A., et al., 06 Civ. 1435 (JGK) (the "Luleff action").

On July 22, 2008, this Court entered an order dismissing the Luleff action. The individual claims were dismissed with prejudice, and the class claims on behalf of the putative class were dismissed without prejudice.

Therefore, the plaintiff's motion to consolidate is **denied** without prejudice as moot. The Clerk is directed to close Docket No. 65 in 06 Civ. 1435, and Docket No. 2 in 08 Civ. 4964.

SO ORDERED.

Dated: New York, New York  
July 22, 2008

  
John G. Koeltl  
United States District Judge